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Compilation on Djibouti

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1–2]

2. In 2013, the Committee on Economic, Social and Cultural Rights encouraged Djibouti to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[3] In 2017, the Committee on the Elimination of Racial Discrimination encouraged Djibouti to ratify the international human rights treaties to which it was not yet a party, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[4]

3. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Djibouti to ratify the Convention against Discrimination in Education and to request technical support as required.[5]

4. The United Nations country team encouraged Djibouti to submit its reports under the Convention on the Rights of the Child and its two Optional Protocols, which had been due since 2012 and 2013 respectively, its report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its report under the Convention on the Elimination of All Forms of Discrimination against Women, both of which had been due since 2015.[6]

5. The Committee on Economic, Social and Cultural Rights encouraged Djibouti to invite the special rapporteurs whose mandates covered economic, social and cultural rights to visit the country.[7]

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6. In 2016, the regional office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) facilitated a two-day training session for law enforcement officials in Djibouti about the rights to peaceful demonstration and assembly and the definition of torture. OHCHR also jointly organized a two-day training session for 20 Djiboutian prison and police officers on due process, the use of force, torture and the treatment of detainees. In October 2016, 30 judges, registrars and prosecutors participated in a training session on human rights in the administration of justice.[8] In November and December 2015, the regional office organized two workshops for government institutions and civil society organizations on follow-up to recommendations from the human rights mechanisms. The same year, the Office provided capacity-building training to the interministerial committee on reporting to human rights mechanisms.[9]

7. The United Nations country team indicated that the Ministry of Foreign Affairs had recently requested support from OHCHR to establish a standing national mechanism for reporting and follow-up, in line with the technical assistance request made by the Government during the previous review cycle.[10]

III. National human rights framework[11]

8. The Committee on Economic, Social and Cultural Rights welcomed the adoption of Act No. 55/AN/09/6 L on violence against women, particularly female genital mutilation, and Act No. 174/AN/07/5 L on protection of persons living with HIV/AIDS and vulnerable groups.[12] In 2013, the Human Rights Committee welcomed the enactment of Act No. 210/AN/07/5 L on combating trafficking in human beings, and the adoption of the National Strategy for the Integration of Women in Development 2003–2010 and the National Strategic Plan for Children 2011–2015.[13]

9. The same Committee expressed concern that the National Human Rights Commission had limited financial and human capacities and had been perceived as a governmental body rather than an independent institution.[14] The United Nations country team took note of the 2014 legal amendments to make the Commission more compatible with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), providing for its independence from the Government, investigative powers, pluralism among its members and appropriate human and financial resources. The country team encouraged Djibouti to redouble its efforts to ensure that the Commission became fully compliant with the Paris Principles.[15] The Committee on the Elimination of Racial Discrimination recommended that every effort be made so that the Commission obtained A status accreditation.[16]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination

10. The Committee on Economic, Social and Cultural Rights invited Djibouti to adopt a non-discrimination law that prohibited discrimination on any grounds.[17] The Committee on the Elimination of Racial Discrimination recommended that Djibouti include a definition of racial discrimination in its legislation that conformed to the Convention on the Elimination of Racial Discrimination and classified racial discrimination as an offence.[18]

2. Development, the environment, and business and human rights[19]

11. The United Nations country team commended Djibouti for aligning its Accelerated Growth Strategy for Employment Promotion 2015–2019 with the Sustainable Development

Goals, and for its efforts to develop a climate change strategy and a civil code, which would include provisions on reparation for environmental prejudice.[20]

12. While commending the efforts of Djibouti to increase the growth in the gross domestic product resulting from investment in the tertiary sector, the United Nations country team noted that the increase had yet to have an impact in terms of poverty reduction. The relative and absolute national poverty levels had stood at 79.4 per cent and 41.9 per cent in 2012. The country team recommended that Djibouti improve its coordination mechanisms and promote private sector investment through an appropriate legal and institutional framework.[21]

B. Civil and political rights

1. Right to life, liberty and security of person[22]

13. In December 2015, several special-procedure mandate holders expressed grave concern regarding reports of excessive and indiscriminate use of force by members of the security forces of Djibouti, including the use of live ammunition (as a result of which at least 27 persons had died and 150 had been injured), during clashes between protesters and the authorities following an attempt by the police to break up a religious celebration on the outskirts of Djibouti City.[23] In its reply, Djibouti stated that the police officers had been accosted and that violent riots had then broken out.[24]

14. The Human Rights Committee was concerned about allegations of human rights violations committed by the security forces before and after the 2011 presidential elections and the 2013 legislative elections, particularly excessive use of force against, arbitrary arrest of and torture and ill-treatment of demonstrators. It urged Djibouti to impartially investigate all allegations of serious human rights violations.[25] In 2015, within the follow-up framework, Djibouti stated that no cases of victims of firearm-related incidents had been recorded and that individuals had been arrested on the sidelines of demonstrations in order to maintain public order and prevent any violence.[26]

15. The Human Rights Committee was concerned about reported ill-treatment of detainees by law enforcement personnel and deeply regretted the lack of measures Djibouti had taken to thoroughly investigate and prosecute alleged cases of torture, other cruel, inhuman or degrading treatment and ill-treatment. It urged Djibouti to establish an independent mechanism to investigate alleged misconduct by law enforcement officials.[27] In 2015, Djibouti stated that the allegations were groundless.[28] In 2016, the Committee regretted that Djibouti continued to deny the reports of ill-treatment of detainees and that it had taken no measures to implement the Committee's recommendations on the matter.[29]

16. The Committee was concerned by poor detention conditions, particularly in Gabode prison. It urged Djibouti to improve the detainees' living conditions and treatment, address overcrowding and establish a confidential mechanism for receiving and processing detainees' complaints.[30]

2. Administration of justice, including impunity, and the rule of law

17. The Committee on Economic, Social and Cultural Rights was concerned about the prevalence of corruption in the public service. It recommended combating corruption and related impunity.[31]

18. The Human Rights Committee expressed concern about allegations of politically motivated prosecutions and harassment of defence lawyers. It urged Djibouti to ensure that all legal safeguards were afforded to all and to guarantee the independence of the judiciary.[32]

19. The Committee expressed concern regarding lengthy pretrial detention and the high number of persons held in pretrial detention. It encouraged Djibouti to implement alternatives to detention, to take urgent measures regarding the situation of inmates who had been in pretrial detention for many years, and to ensure that convicted persons were not detained together with pretrial detainees.[33]

3. Fundamental freedoms and the right to participate in public and political life[34]

20. UNESCO indicated that Djibouti did not have a freedom of information law, that the media was entirely State-owned and State-run, that defamation remained a crime under articles 425 to 427 of the Penal Code, punishable by a fine and up to one year of imprisonment, and that the only Internet provider was regulated by the Ministry of Post and Telecommunications.[35]

21. The Human Rights Committee expressed concern about the provisions of the 1999 Freedom of Communication Act, particularly the restrictive registration requirements for newspapers, the strict age and nationality requirements for press ownership, and the severe penalties for defamation, including imprisonment.[36]

22. UNESCO encouraged Djibouti to foster a more pluralistic and independent media environment, support the review and amendment process of all legislation governing media freedom in Djibouti in order to ensure that it conformed to international standards, decriminalize the defamation law and subsequently incorporate it into the civil code, introduce a freedom of information law, and establish an independent broadcast regulator to award and administer broadcast licences.[37]

23. The United Nations country team commended the creation of the National Communication Commission, which was mandated to regulate radio, television and other broadcasting operators. UNESCO indicated that the Commission had been created in March 2016 by Act No. 114/AN/15/7 L and had the power to fine and suspend the activities of companies and individual journalists.[38]

24. The Human Rights Committee expressed concern about reports of widespread threats, harassment and intimidation of human rights defenders and journalists by the police, security and military authorities. It urged Djibouti to guarantee in law and in practice the rights to freedom of expression, peaceful association and assembly, to release and provide judicial redress and compensation for journalists who had been imprisoned, and to prosecute those who threatened, harassed or intimidated civil society organizations and human rights defenders and journalists.[39] In 2015, within the follow-up framework, Djibouti had stated that there were no political prisoners or prisoners of conscience in the country.[40]

25. In February 2014, several special-procedure mandate holders drew the Government's attention to the situation of human rights defenders, political opponents and members of the press who had been arrested arbitrarily and subjected to judicial harassment. They also made the point that the imposition of penal sanctions, in particular imprisonment, was not considered to be compatible with the effective exercise of the right to freedom of opinion and expression.[41]

26. In December 2015, several special-procedure mandate holders expressed serious concern about reports of the suppression of a peaceful meeting held on 21 December 2015 by the Union for National Salvation at the home of one of its members, during which several participants had been seriously injured. The mandate holders voiced their concern that acts of repression targeting leaders, opposition activists and human rights defenders were on the rise and that the purpose of such acts was to prevent the legitimate exercise of fundamental freedoms, such as the rights to freedom of expression, assembly and peaceful association.[42] In its reply, Djibouti indicated that, following the events of 21 December 2015, a warrant had been issued for the arrest of one of the leaders of the Union of National Salvation. A clash had broken out during his arrest, forcing the police to use tear gas and rubber bullets.[43]

27. In February 2016, several special-procedure mandate holders reported that a human rights defender and founding member of the Djibouti League for Human Rights had been sentenced to three months of imprisonment for "public defamation" by the Djibouti Criminal Court for having published a list of missing and deceased persons on 21 December 2015.[44]

28. The Human Rights Committee expressed concern about allegations that Djibouti had arrested, harassed and threatened opposition leaders. It urged Djibouti to promote the right of all citizens to participate in public life and exercise their political rights without any

intimidation or harassment.[45] In 2015, within the follow-up framework, Djibouti indicated that the Government remained committed to encouraging the peaceful and non-violent participation of all parties in political debate.[46]

29. In April 2017, two special-procedure mandate holders reported that 19 members of the opposition party Movement for Democratic Renewal and Development had been arrested and held in custody. They took exception to the fact that members of the political opposition continued to be arrested and detained arbitrarily by government forces.[47] Djibouti denied the allegations and stated that the Movement for Democratic Renewal and Development was a political party that had been dissolved by decree on 9 July 2008.[48]

4. Prohibition of all forms of slavery[49]

30. In 2016, the International Labour Organization (ILO) Committee of Experts on the Application on Conventions and Recommendations welcomed the adoption of Act No. 133/AN/16/7 L of 2016 to combat trafficking in persons and the unlawful smuggling of migrants. The Committee noted that the Act strengthened the framework for enforcing the prohibition of trafficking in persons and the assistance and protection granted to victims during the judicial procedure, as well as providing for the creation of a national watchdog body for action to combat trafficking in persons and assimilated practices.[50]

31. The Human Rights Committee was concerned that human trafficking was still being practised. It urged Djibouti to bring to justice all perpetrators of human trafficking and to adequately compensate the victims.[51] The Committee on the Elimination of Racial Discrimination was greatly concerned by the fact that victims of human trafficking were often women and children who were foreign nationals and recommended that Djibouti extend legal and institutional protection to such victims.[52]

C. Economic, social and cultural rights

32. The United Nations country team noted that the Constitution made no reference to economic, social or cultural rights.[53]

1. Right to work and to just and favourable conditions of work[54]

33. The Committee on Economic, Social and Cultural Rights was concerned by the scale of unemployment, particularly among young persons, women, persons with disabilities and older adults.[55] The United Nations country team commended Djibouti for developing its gender-sensitive National Employment Policy 2014–2024, which also placed strong emphasis on workers' social protection.[56]

34. The Committee on Economic, Social and Cultural Rights noted with concern the inadequate enforcement of the regulations governing workers' rights and occupational health and safety. It encouraged Djibouti to grant the labour inspectorate legal status and the power and resources required to fulfil its oversight function, and to develop specific occupational health and safety regulations.[57]

35. The Committee recommended that Djibouti adopt a long-term strategy to protect the rights of workers in the informal economy by expanding the scope of the Labour Code and social protection provisions to the informal economy.[58]

36. The Committee recommended that Djibouti ensure that the Labour Code and trade union rights were enforced in the companies operating in the free trade zone.[59]

37. The Committee noted with concern that Djibouti had halted efforts to establish a minimum wage. It recommended that Djibouti reintroduce a minimum wage and ensure that workers received wages that were above subsistence level.[60]

38. The Committee was concerned about the politicization of trade union activities and the alleged repression of trade union members and striking workers. It encouraged Djibouti to guarantee the free exercise of workers' right to form and join independent unions and to refrain from any act infringing on union rights or the right to strike.[61]

39. The ILO Committee of Experts had previously noted the observations jointly submitted by Education International, the Trade Union of Middle and High School Teachers of Djibouti and the Trade Union of Primary School Teachers in a communication received on 10 September 2014, which denounced the harassment, arbitrary transfers and dismissals of teachers belonging to a trade union. The Committee took note of the Government's reply denying those allegations.[62]

2. Right to social security

40. The Committee on Economic, Social and Cultural Rights was concerned that a large portion of the population was not covered by social security. It called on Djibouti to reform the social security system so as to establish universal health-care coverage, and recommended expanding the scope of social security and recovering the outstanding amounts owed to the National Social Security Fund. It recommended that Djibouti ratify the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) and the Equality of Treatment (Social Security) Convention, 1962 (No. 118).[63]

41. The United Nations country team commended Djibouti for developing its National Safety Net Strategy in 2012. However, it noted that a national social protection policy had yet to be put in place and that the workforce to implement social protection interventions remained inadequate.[64]

3. Right to an adequate standard of living[65]

42. The Committee on Economic, Social and Cultural Rights regretted that poverty reduction strategies had not lowered the incidence of poverty and extreme poverty in Djibouti.[66]

43. The Committee noted with concern that the majority of the population, particularly in rural areas, did not have adequate shelter. It encouraged Djibouti to improve living conditions in slums and shanty towns, and recommended building more public housing and facilitating access to adequate housing in rural areas.[67]

44. The Committee noted with concern that, despite the progress achieved, food insecurity and malnutrition still affected the majority of the population. It recommended that Djibouti ensure the right to food and adopt a multisectoral approach to combat food insecurity and malnutrition.[68]

45. The United Nations country team noted that, despite the steps taken to increase the accessibility and availability of water, water scarcity remained a critical challenge in rural areas.[69] The Committee on Economic, Social and Cultural Rights recommended that Djibouti adopt a general water plan and ensure that water was available, accessible and of acceptable quality.[70]

4. Right to health[71]

46. The Committee on Economic, Social and Cultural Rights was concerned about inequality in the enjoyment of the right to health, despite the progress made. It urged Djibouti to ensure long-term stable funding for the health-care sector, to improve the coverage of health-care services, and to guarantee basic health-care services for disadvantaged and marginalized groups.[72] Noting the shortage of medicines and the high price of some essential medicines, it recommended ensuring that medicines were affordable.[73]

47. The United Nations country team commended Djibouti for introducing universal insurance coverage, which provided free access to primary health care in rural areas and to several basic services, including antenatal care and vaccinations. However, the country team remained concerned about malnutrition, as stunting among children under 5 continued, with rates reaching over 40 per cent Dikhil, Obock and Tadjourah. It was also concerned that vaccination services were not adequately accessible, particularly in rural areas. It noted that a national family planning policy had been developed and was expected to be implemented in the near future.[74]

48. The Committee on Economic, Social and Cultural Rights noted with concern the high maternal mortality rate, which resulted, inter alia, from limited access to health-care services, the lack of trained health-care personnel and prenatal care, unsafe abortions and poor knowledge about maternal health. It urged Djibouti to support implementation of the National Health Plan for Mothers, Newborns and Children, and to promote greater access to maternal and reproductive health-care services.[75]

49. The Human Rights Committee expressed concern about the criminalization of abortion except for therapeutic purposes and about the fact that women who underwent abortion were criminalized and liable to imprisonment. It urged Djibouti to amend its legislation to make provision for additional exceptions, including access to abortion services in cases of pregnancy resulting from rape or incest.[76]

5. Right to education[77]

50. UNESCO recommended that Djibouti incorporate an explicit recognition of the right to education and to non-discrimination in education into its Constitution.[78]

51. The United Nations country team commended Djibouti for developing a new education plan for 2017–2019. However, it noted that the poor quality of teaching and learning remained a challenge due to inadequate teacher training and high dropout rates. It also noted the lack of specific measures for children in nomadic communities and for migrant and street children, who were a significant part of the population that was out of school.[79] The Committee on Economic, Social and Cultural Rights expressed similar concerns and encouraged Djibouti to develop the education system, promote inclusive education, and invest in teacher training.[80]

52. UNESCO reported that, since 2013, that had been little indication that there had been any improvement in the situation of women and girls in education. It called on Djibouti to launch awareness-raising campaigns and to ensure that the 2017–2019 sectoral plan guaranteed equal access to a quality education for girls and boys and was applied correctly.[81]

D. Rights of specific persons or groups

1. Women[82]

53. The Human Rights Committee was concerned that a number of provisions in the Family Code still discriminated against women, and that inequality continued between men and women regarding inheritance, marriage, divorce and other family matters. The Committee was also concerned that polygamy remained lawful.[83] The Committee on Economic, Social and Cultural Rights encouraged Djibouti to repeal the provisions in the Family Code that discriminated against women and to strengthen the capacity of traditional and religious leaders to speak out against all forms of gender-based discrimination.[84] The United Nations country team encouraged Djibouti to increase efforts to educate and mobilize girls, boys, parents, the media and religious and community leaders in order to change discriminatory social norms, particularly harmful gender stereotypes concerning girls' role in society.[85]

54. The Human Rights Committee encouraged the current work of Djibouti to harmonize interpretations of sharia law with the International Covenant on Civil and Political Rights.[86] In 2015, within the follow-up framework, Djibouti stressed the difficulty of bringing the interpretations of sharia law into line with the Covenant, since the population was not prepared to compromise regarding Islamic values.[87]

55. The Committee noted with regret the continuing reports of gender-based violence against women and harmful traditional practices, especially female genital mutilation, and was alarmed that 93 per cent of women of childbearing age had undergone that practice.[88] The Committee on the Elimination of Racial Discrimination expressed concern that, even though traditional harmful practices such as child marriage and female genital mutilation were banned by the Family Code and the Criminal Code, those practices continued and were firmly entrenched in rural and nomadic communities.[89] The Human Rights Committee

urged Djibouti to eradicate such harmful practices through the application of the criminal law and to organize awareness-raising campaigns to change traditional attitudes that were detrimental to the enjoyment by women of their human rights.[90] In 2015, within the follow-up framework, Djibouti indicated that the practice of female genital mutilation was declining[91] and that efforts were being made to raise awareness and to apply criminal law.[92] The United Nations country team commended Djibouti for its commitment in 2017 to developing a five-year strategy to end female genital mutilation. It encouraged Djibouti to step up the implementation of the strategy, to pay particular attention to eliminating the least severe form of such mutilation, known as Sunna, and to ensure systematic data collection to monitor results.[93]

56. The Human Rights Committee urged Djibouti to strengthen the legal framework for the protection of women against domestic violence and to guarantee that cases of domestic violence and marital rape were thoroughly investigated and prosecuted.[94]

57. The Committee on the Elimination of Racial Discrimination recommended that Djibouti put an end to the impunity enjoyed by certain military figures who had engaged in the systematic rape of Afar women during and after the conflict.[95]

58. The Committee on Economic, Social and Cultural Rights recommended that the National Gender Policy 2011–2021 include more ambitious quotas for the equal participation of men and women in political life and in public service.[96]

59. The Committee was concerned that women were disproportionately affected by unemployment. It recommended that Djibouti ensure that the National Gender Policy 2011–2021 removed the obstacles to the equal participation of women in the formal labour market and included adult literacy campaigns for women along with the promotion of income-generating activities.[97]

2. Children[98]

60. The United Nations country team indicated that more remained to be done to end early marriage. It commended the commitment of Djibouti to revising the Family Code and encouraged it to do so in order to provide adequate protection to minors who got married following an unwanted pregnancy, and to meet the crucial need to end child marriage.[99]

61. The ILO Committee of Experts urged the Government to take effective and time-bound measures to remove children from prostitution, and to ensure their rehabilitation and social integration.[100] The Human Rights Committee urged Djibouti to combat violence against and sexual abuse of children, which remained prevalent, by prosecuting and sanctioning those responsible.[101]

62. The Committee on Economic, Social and Cultural Rights called on Djibouti to provide the large number of children living or working on the street with access to shelter, education and health care and to reintegrate them into society and the school system.[102]

63. The Human Rights Committee urged Djibouti to put an end to corporal punishment of children in all settings and to encourage non-violent forms of discipline.[103]

64. Despite the steps Djibouti had taken regarding its juvenile justice system, the Committee was concerned by allegations of sexual violence against juvenile offenders in prisons. It urged Djibouti to strengthen the juvenile justice system, to separate juvenile offenders from adults, to promote alternative sanctions to imprisonment, and to investigate and prosecute those responsible for sexual violence against juvenile detainees.[104] The United Nations country team commended the adoption of the 2015 Child Protection Code and encouraged Djibouti to take measures towards its implementation, including by putting in place by-laws and child-friendly procedural safeguards, as well as developing standard operating procedures or referral pathways to enforce provisions on alternative measures to detention.[105]

3. Persons with disabilities[106]

65. The Committee on Economic, Social and Cultural Rights recommended that Djibouti adopt legislation on the rights of persons with disabilities, develop a national plan

for their economic and social inclusion and increase its efforts to make public services accessible to them.[107]

4. Minorities and indigenous peoples

66. The same Committee regretted that Djibouti did not specifically recognize the rights of tribal peoples, despite the coexistence of several tribes in its territory. It recommended that Djibouti ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[108]

67. The Committee on the Elimination of Racial Discrimination recommended that Djibouti ensure that all communities and regions were represented equally in government decision-making bodies and that all ethnic groups were involved in political and public affairs.[109]

68. The Committee expressed concern that nomads, migrants and persons living in remote and rural areas had limited access to water, education and health care. It recommended that Djibouti ensure that certain ethnic groups and regions were not marginalized and that they were included in the process of implementing its development policies and programmes.[110]

69. The Committee on Economic, Social and Cultural Rights was concerned that drought had driven some nomadic communities to abandon their way of life based on seasonal migration.[111]

70. The Committee on the Elimination of Racial Discrimination welcomed the measures taken to promote the Somali and Afar languages and cultures but expressed concern that those languages had not yet been incorporated into school curricula or in the work of the civil service or the courts.[112] The Committee on Economic, Social and Cultural Rights regretted that the Somali and Afar languages had no legal status in Djibouti. It recommended that Djibouti grant those languages legal status.[113]

71. The Committee on the Elimination of Racial Discrimination expressed concern regarding the lack of measures to facilitate dialogue and reconciliation between different ethnic groups, in particular the Afar people and the Somali-Issa people, and recommended that Djibouti promote national reconciliation.[114]

5. Migrants, refugees, asylum seekers and internally displaced persons[115]

72. The United Nations country team noted that Djibouti continued to be a transit area for migrants, including significant numbers of accompanied minors, who were aiming to reach Gulf States. Many such minors who were unable or unwilling to return to their countries of origin ended up living on the streets, where they were vulnerable to violence, exploitation and abuse. As they did not usually have birth certificates, they were unable to access formal education and other social services. The country team recommended that Djibouti ensure that unaccompanied migrant children had access to adequate social and protection services, including by integrating them into existing schemes.[116]

73. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the National Refugee Law, promulgated on 5 January 2017, ensured a favourable protection environment for refugees and enabled them to enjoy fundamental rights, including access to services and to education, employment and naturalization.[117]

74. UNHCR noted that Djibouti maintained an open door policy and continued to offer protection and asylum to refugees and asylum seekers. However, it recommended that Djibouti reopen the Loyada border so as to allow asylum seekers to enter the territory without harassment and in full respect of the principle of non-refoulement.[118]

75. While the number of cases decided by the National Eligibility Committee had risen, UNHCR indicated that there remained a backlog of 8,578 asylum claims. It recommended that Djibouti increase the number of Committee hearings in order to speed up the refugee status determination process and clear the backlog of pending asylum claims. It also recommended that Djibouti develop and implement an appeal procedure that was in line with international standards.[119]

76. The Human Rights Committee was concerned that the excessive length of the asylum procedure might put asylum seekers at risk of refoulement.[120] In 2015, within the follow-up framework, Djibouti indicated that the Government did not expel or repatriate persons to countries where their lives or freedom might be at risk.[121]

77. The Committee was concerned about reported cases of sexual violence in refugee camps. It urged Djibouti to strengthen its mechanisms to prevent and prosecute sexual and gender-based violence, including by ensuring access to a confidential reporting mechanism and mobile courts.[122] The Committee on the Elimination of Racial Discrimination recommended that Djibouti reduce overcrowding in refugee camps, which led to increased sexual violence and child abuse in the camps, and adopt measures to provide legal assistance to victims.[123]

78. While welcoming the issuance since July 2013 of birth certificates to children born in refugee camps, the Committee on Economic, Social and Cultural Rights was concerned that approximately one quarter of births in Djibouti were not registered, including those of refugee children born outside refugee camps.[124] UNHCR noted that refugees residing in urban areas had to initiate the birth registration process and cover the costs themselves, and that many refugees in Djibouti city were unaware of that and unable to afford the registration fee.[125]

79. UNHCR noted that, at the high-level plenary meeting on addressing large movements of refugees and migrants, held in 2016, Djibouti had acknowledged the importance of providing education for refugees and including refugees in its national health-care and insurance systems. As a result, the Ministry of Education had taken over responsibility for education in the refugee camps. UNHCR recommended that Djibouti continue to integrate refugees and asylum-seeking children into the national curricula at all levels, regardless of their ability to pay for or access official birth registration documents.[126]

80. The United Nations country team recommended that Djibouti fully integrate refugees and asylum seekers into the national health system, and improve the quality of the health services to which they had access and the medical equipment and facilities in the camp-based health centres.[127]

6. Stateless persons

81. The Committee on Economic, Social and Cultural Rights was concerned that under the Nationality Code, children born to foreign parents might end up stateless. It called on Djibouti to revise the Code so that all children born in its territory could obtain Djiboutian nationality at birth.[128]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Djibouti will be available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/DJIndex.aspx.
[2] For relevant recommendations, see A/HRC/24/10, paras. 143.1–143.19, 143.49, 143.54–143.58, 144.1 and 144.7–144.10.
[3] See E/C.12/DJI/CO/1-2, para. 40.
[4] See CERD/C/DJI/CO/1-2, para. 32. See also United Nations country team submission for the universal periodic review of Djibouti, p. 16.
[5] UNESCO submission for the universal periodic review of Djibouti, p. 5.
[6] United Nations country team submission, pp. 5 and 7.
[7] See E/C.12/DJI/CO/1-2, para. 41.
[8] OHCHR, "OHCHR in the field: Africa", in *OHCHR Report 2016*, pp. 167–168.
[9] OHCHR, "OHCHR in the field: Africa", in *OHCHR Report 2015*, p. 149.
[10] United Nations country team submission, p. 3.
[11] For relevant recommendations, see A/HRC/24/10, paras. 143.20–143.40, 143.45 and 143.51–143.53.
[12] See E/C.12/DJI/CO/1-2, para. 5 (a)–(b). See also CCPR/C/DJI/CO/1, para 3 (c).
[13] See CCPR/C/DJI/CO/1, para. 3 (b) and (e)–(f). See also CERD/C/DJI/CO/1-2, para. 4 (f).
[14] See CCPR/C/DJI/CO/1, para. 6. See also CERD/C/DJI/CO/1-2, para. 10, and E/C.12/DJI/CO/1-2, para. 7.

[15] United Nations country team submission, pp. 1 and 3. See also CCPR/C/DJI/CO/1, para. 6, and CERD/C/DJI/CO/1-2, para. 11.
[16] See CERD/C/DJI/CO/1-2, para. 11.
[17] See E/C.12/DJI/CO/1-2, para. 10. See also CERD/C/DJI/CO/1-2, para. 8.
[18] See CERD/C/DJI/CO/1-2, para. 9.
[19] For the relevant recommendation, see A/HRC/24/10, para. 143.44.
[20] United Nations country team submission, p. 13.
[21] Ibid., pp. 13–14.
[22] For relevant recommendations, see A/HRC/24/10, paras. 143.100–143.107 and 145.6.
[23] Communication DJI 2/2015, p. 5. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=13217.
[24] Replies of Djibouti dated 11 January 2016, p. 2. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=61490.
[25] See CCPR/C/DJI/CO/1, para. 15.
[26] See CCPR/C/DJI/CO/1/Add.1, paras. 59–60.
[27] See CCPR/C/DJI/CO/1, para. 11.
[28] See CCPR/C/DJI/CO/1/Add.1, para. 44, and CCPR/C/DJI/CO/1/Add.2, para. 9.
[29] Letters dated 15 April and 16 August 2016 from the Human Rights Committee addressed to the Permanent Mission of Djibouti to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/DJI/INT_CCPR_FUL_DJI_23628_F.pdf and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/DJI/INT_CCPR_FCO_DJI_24964_F.pdf.
[30] See CCPR/C/DJI/CO/1, para. 13. See also CCPR/C/DJI/CO/1/Add.1, paras. 54 and 58, CCPR/C/DJI/CO/1/Add.2, para. 13, and letters dated 15 April and 16 August 2016 from the Human Rights Committee to the Permanent Mission of Djibouti to the United Nations Office and other international organizations in Geneva.
[31] See E/C.12/DJI/CO/1-2, para. 9.
[32] See CCPR/C/DJI/CO/1, para. 17.
[33] Ibid., para. 16. See also CCPR/C/DJI/CO/1/Add.1, paras. 64–65.
[34] For relevant recommendations, see A/HRC/24/10, paras. 143.46–143.47, 143.110–143.115, 144.11–144.12 and 145.1–145.6.
[35] UNESCO submission, p. 2. See also United Nations country team submission, p. 6.
[36] See CCPR/C/DJI/CO/1, para. 12. See also United Nations country team submission, p. 6.
[37] UNESCO submission, pp. 5–6. See also CCPR/C/DJI/CO/1, para. 12, and United Nations country team submission, p. 6.
[38] UNESCO submission, p. 2.
[39] See CCPR/C/DJI/CO/1, para. 12.
[40] See CCPR/C/DJI/CO/1/Add.2, paras. 22–23.
[41] DJI 1/2014, p. 5. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=15079. In its replies dated 11 January 2016, p. 3, Djibouti stated that it had not received that communication. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=61490.
[42] DJI 2/2015.
[43] Replies of Djibouti dated 11 January 2016, p. 2.
[44] DJI 1/2016, p. 2. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=14781.
[45] See CCPR/C/DJI/CO/1, para. 18.
[46] See CCPR/C/DJI/CO/1/Add.1, para. 70.
[47] DJI 1/2017, p. 1. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23073. See also DJI 1/2014, DJI 1/2015, the replies of Djibouti dated 22 October 2015, DJI 2/2015, and the replies of Djibouti dated 11 January 2016. Available from https://spcommreports.ohchr.org/TmSearch/Results.
[48] Replies of Djibouti dated 1 May 2017, p. 5. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=64357.
[49] For relevant recommendations, see A/HRC/24/10, paras. 143.42–143.43, 143.47, 143.76 and 143.94–143.99.
[50] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3285886. See also CCPR/C/DJI/CO/1, para. 22, and CERD/C/DJI/CO/1-2, para. 26.
[51] See CCPR/C/DJI/CO/1, para. 22. See also CCPR/C/DJI/CO/1/Add.1, para. 86, and CERD/C/DJI/CO/1-2, paras. 26–27.

[52] See CERD/C/DJI/CO/1-2, paras. 26–27.
[53] United Nations country team submission, p. 8.
[54] For the relevant recommendation, see A/HRC/24/10, para. 143.116.
[55] See E/C.12/DJI/CO/1-2, para. 15.
[56] United Nations country team submission, p. 8.
[57] See E/C.12/DJI/CO/1-2, para. 16.
[58] Ibid., para. 19 (a).
[59] Ibid., para. 18.
[60] Ibid., para. 17.
[61] Ibid., para. 20. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3296822.
[62] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3296822. See also ILO, GB.323/INS/9, paras. 337–358.
[63] See E/C.12/DJI/CO/1-2, para. 21.
[64] United Nations country team submission, p. 8.
[65] For relevant recommendations, see A/HRC/24/10, paras. 143.117 and 143.139–143.146.
[66] See E/C.12/DJI/CO/1-2, para. 25.
[67] Ibid., para. 26.
[68] Ibid., para. 27. See also United Nations country team submission, p. 9.
[69] United Nations country team submission, p. 9.
[70] See E/C.12/DJI/CO/1-2, para. 28.
[71] For relevant recommendations, see A/HRC/24/10, paras. 143.119–143.123.
[72] See E/C.12/DJI/CO/1-2, para. 30.
[73] Ibid., para. 31.
[74] United Nations country team submission, pp. 10–11.
[75] See E/C.12/DJI/CO/1-2, para. 32.
[76] See CCPR/C/DJI/CO/1, para. 9.
[77] For relevant recommendations, see A/HRC/24/10, paras. 143.120 and 143.124–143.136.
[78] UNESCO submission, p. 4.
[79] United Nations country team submission, pp. 11–12. See also E/C.12/DJI/CO/1-2, paras. 34–35.
[80] See E/C.12/DJI/CO/1-2, paras. 34–35.
[81] UNESCO submission, pp. 4–5.
[82] For relevant recommendations, see A/HRC/24/10, paras. 143.41, 143.59–143.71, 143.74–143.93, 143.109 and 144.2–144.6.
[83] See CCPR/C/DJI/CO/1, para. 7. See also E/C.12/DJI/CO/1-2, para. 13.
[84] See E/C.12/DJI/CO/1-2, para. 13 (a) and (c). See also CCPR/C/DJI/CO/1, para. 7.
[85] United Nations country team submission, p. 7.
[86] See CCPR/C/DJI/CO/1, para. 7.
[87] See CCPR/C/DJI/CO/1/Add.1, para. 17.
[88] See CCPR/C/DJI/CO/1, para. 8.
[89] See CERD/C/DJI/CO/1-2, para. 20. See also E/C.12/DJI/CO/1-2, para. 13.
[90] See CCPR/C/DJI/CO/1, paras. 7–8. See also CERD/C/DJI/CO/1-2, para. 21, and E/C.12/DJI/CO/1-2, para. 13 (b).
[91] See CCPR/C/DJI/CO/1/Add.1, para. 18.
[92] Ibid., para. 22.
[93] United Nations country team submission, pp. 4–5.
[94] See CCPR/C/DJI/CO/1, para. 10. See also CCPR/C/DJI/CO/1/Add.1, para. 41, and CCPR/C/DJI/CO/1/Add.2, paras. 1 and 7. See also the letters dated 15 April and 16 August 2016 from the Human Rights Committee to the Permanent Mission of Djibouti to the United Nations Office and other international organizations in Geneva.
[95] See CERD/C/DJI/CO/1-2, para. 31 (b).
[96] See E/C.12/DJI/CO/1-2, para. 14 (a).
[97] Ibid., para. 14.
[98] For relevant recommendations, see A/HRC/24/10, paras. 143.72–143.75 and 143.108.
[99] United Nations country team submission, p. 7.
[100] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3286350.
[101] See CCPR/C/DJI/CO/1, para. 21 (b).
[102] See E/C.12/DJI/CO/1-2, para. 22. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3286350.
[103] See CCPR/C/DJI/CO/1, para. 14.
[104] Ibid., para. 19. See also CCPR/C/DJI/CO/1/Add.1, para. 76.
[105] United Nations country team submission, p. 5.
[106] For relevant recommendations, see A/HRC/24/10, paras. 143.74–143.75.

[107] See E/C.12/DJI/CO/1-2, para. 11.
[108] Ibid., para. 36.
[109] See CERD/C/DJI/CO/1-2, para. 17.
[110] Ibid., paras. 18–19.
[111] See E/C.12/DJI/CO/1-2, para. 36.
[112] See CERD/C/DJI/CO/1-2, para. 24.
[113] See E/C.12/DJI/CO/1-2, para. 37.
[114] See CERD/C/DJI/CO/1-2, paras. 30–31(b).
[115] For relevant recommendations, see A/HRC/24/10, paras. 143.137–143.138.
[116] United Nations country team submission, pp. 14 and 16.
[117] UNHCR submission for the universal periodic review of Djibouti, p. 1.
[118] Ibid., p. 3. See also United Nations country team submission, pp. 15 and 17, and CCPR/C/DJI/CO/1, para. 20.
[119] UNHCR submission, p. 2. See also CERD/C/DJI/CO/1-2, para. 23, and E/C.12/DJI/CO/1-2, para. 12.
[120] See CCPR/C/DJI/CO/1, para. 20. See also CERD/C/DJI/CO/1-2, para. 22.
[121] See CCPR/C/DJI/CO/1/Add.1, para. 83.
[122] See CCPR/C/DJI/CO/1, para. 20. See also CERD/C/DJI/CO/1-2, para. 22.
[123] See CERD/C/DJI/CO/1-2, para. 23.
[124] See E/C.12/DJI/CO/1-2, paras. 5 (h) and 23. See also CCPR/C/DJI/CO/1, para. 20.
[125] UNHCR submission, p. 2.
[126] Ibid., pp. 1–2. See also United Nations country team submission, pp. 12–13.
[127] United Nations country team submission, p. 11. See also UNHCR submission, p. 3.
[128] See E/C.12/DJI/CO/1-2, para. 24.